

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JOSEPH ROTELLO and NINA ROTELLO,)
)
)
Plaintiffs,)
)
)
v.) No.: 3:03-CV-573
) (VARLAN/SHIRLEY)
CLAYTON HOMES OF DELAWARE, INC.,)
BERKSHIRE HATHAWAY, INC.,)
CMH SERVICES, INC., CMH)
MANUFACTURING, INC., CMH HOMES,)
INC., CMH INSURANCE AGENCY, INC.,)
and GEORGE SNYDER,)
)
Defendants.)

ORDER

This civil action is before the Court on the Motion to Strike Plaintiffs' Supplemental Brief [Doc. 144] filed by defendants CMH Manufacturing, Inc. and CMH Homes, Inc. (the "corporate defendants), in which corporate defendants request that plaintiffs' supplemental brief [Doc. 141] filed in opposition to their motion for summary judgment be struck.¹ Corporate defendants argue that this brief should be struck on the grounds that its filing violates Local Rule 7.1(d) because plaintiffs did not seek approval from the Court before filing it and because the brief does not present or address any new developments that

¹As originally filed, the motion to strike included defendants Clayton Homes of Delaware, Inc., Berkshire Hathaway, Inc., CMH Services, Inc., and CMH Insurance Agency, Inc. However, those parties were dismissed from this case by an oral ruling of the Court on January 8, 2007.

occurred following the filing of their response to corporate defendants' motion for summary judgment.

Corporate defendants' arguments with regards to Local Rule 7.1(d) are well taken. Nevertheless, corporate defendants' Motion to Strike Plaintiffs' Supplement Brief [Doc. 144] is hereby **DENIED**. Plaintiffs are cautioned that all parties are expected to comply with the Local Rules of this Court at all times.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE